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12	LTD.		
13	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA		
14	OAKLAND DIVISION		
15	FORTINET, INC., a corporation,	CASE NO. 3:13-cv-05831-EMC-DMR	
16	Plaintiff,	SOPHOS'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL	
17	V.	EXHIBITS 1, 4, 5, 6, 8, 9, 10, 31, 33, and 34 ATTACHED TO THE	
18	SOPHOS INC., a corporation, MICHAEL VALENTINE, an individual, and JASON	DECLARATION OF SEAN C.	
19	CLARK, an individual,	CUNNINGHAM IN SUPPORT OF MOTION FOR SUMMARY	
20	Defendants.	JUDGMENT BY DEFENDANTS SOPHOS INC., MICHAEL	
21		VALENTINE AND JASON CLARK.	
22	SOPHOS INC. and SOPHOS LTD.,		
23	corporations,		
24	Counterclaim Plaintiffs,		
25	V.		
26	FORTINET, INC., a corporation,		
27	Counterclaim Defendant.		
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DLA PIPER LLP (US)
SAN DIEGO

Pursuant to Civil L.R. 7-11 and 79-5, Defendant and Counterclaim Plaintiff Sophos Inc. and Counterclaim Plaintiff Sophos Ltd. (collectively, "Sophos") respectfully request to file under seal confidential information in Exhibits 1, 4, 5, 6, 8, 9, 10, 31, 33, and 34 attached to the Declaration of Sean C. Cunningham in Support of Motion for Summary Judgment By Defendants Sophos Inc., Michael Valentine and Jason Clark ("Proposed Exhibits"). Specifically, Sophos requests an order granting leave to file under seal the portions of the documents listed below:

8	Document	Portions to Be Filed Under Seal
9	Fortinet's Second Supplemental Identification of	Entire Document
10	Trade Secrets	
11	(Ex. 1 to the Cunningham Decl.)	
12	Expert Report of John D. Tippit	Highlighted portions at pp. 10, 15-18, 21, 25-26.
13	(Ex. 4 to the Cunningham Decl.)	
14	Exhibit B to the expert Report of John D. Tippit	Entire Document
15	(Ex. 5 to the Cunningham Decl.)	
16	Excerpt from Fortinet's Second Supplemental	Entire Document
17	Responses & Objections to Sophos's Rogs (Nos.	
18	3, 4, 6-8, 12-17, 19, 21, 22, and 24).	
19	(Ex. 6 to the Cunningham Decl.)	
20	Excerpt from the deposition transcript of Todd	Entire Document
21	Nelson, taken on June 16, 2015.	
22	(Ex. 8 to the Cunningham Decl.)	
23	Expert report of Patrick F. Kennedy.	Entire Document
24	(Ex. 9 to the Cunningham Decl.)	
25	Expert report of Joseph A. Calandrino	Entire Document
26	(Ex. 10 to the Cunningham Decl.)	
27	Final Corrected Arbitration Award	Entire Document
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(Ex. 31 to the Cunningham Decl.)		
Expert report of James R. Kearl	Entire Document	
(Ex. 33 to the Cunningham Decl.)		
Declaration and Exhibits of Dr. Aaron Streigel	Entire Document	
Exhibit 34 to the Cunningham Decl.		

I. LEGAL STANDARD

As the Ninth Circuit has explained, a showing of "good cause . . . will suffice to warrant preserving the secrecy of sealed discovery material attached to non-dispositive motions[.]" *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal quotations omitted). However, "[t]hose who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that 'compelling reasons' support secrecy.

Because Sophos's Motion for Summary Judgment is a dispositive motion, the "compelling reasons" standard applies here. The burdens of the parties are determined by Civil Local Rule 79-5, which requires that a party seeking leave to seal "establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law" (*i.e.*, is "sealable"). Civil L.R. 79-5(b). The sealing request must also be "narrowly tailored to seek sealing only of sealable material." *Id*.

II. FORTINET'S DESIGNATED CONFIDENTIAL INFORMATION

As stated in the Declaration of Sean C. Cunningham, filed concurrently herewith in support of this Administrative Motion, Sophos's Proposed Exhibits 1, 4, 5, 6, 8, 9, 10, 33, and 34 all contain material designated by Fortinet as "Highly Confidential -- Attorneys Eyes Only" or "Highly Confidential – Source Code" under the Stipulated Protective Order for Litigation Involving Patents, Highly Sensitive Confidential Information and/or Trade Secrets (Dkt. No. 63). Sophos expects Fortinet will file the required supporting declaration in accordance with Civil Local Rule 79-5(e), as necessary, to confirm whether the information contained in the above referenced documents should be sealed.

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III. SOPHOS'S DESIGNATED CONFIDENTIAL INFORMATION

As stated in the Declaration of Sean C. Cunningham, filed concurrently herewith in support of this Administrative Motion, Sophos's Proposed excerpt to Exhibit 31 has been designated by Sophos as Highly Confidential -- Attorneys Eyes Only" under the Stipulated Protective Order for Litigation Involving Patents, Highly Sensitive Confidential Information and/or Trade Secrets (Dkt. No. 63).

Compelling reasons exist here to seal Exhibit 31 because: (1) the Arbitrator ordered the Final Award to remain confidential; (2) the arbitration was never a public proceeding; (3) the information contained in the Final Award is particularly sensitive to not only Mr. Valentine and Mr. Clark, but to Sophos as well; (4) disclosure of the Final Award to the public will only serve to unduly burden Mr. Valentine, Mr. Clark and Sophos; and (5) the public interests will not be disserved by the sealing of this confidential Final Award. Further, because the information in the Final Award is privileged as to the parties to the arbitration, and is otherwise entitled to protection under the law, it is also sealable under Civil L.R. 79-5(b).

IV. CONCLUSION

In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the Proposed Exhibits accompany this Administrative Motion. For the foregoing reasons, Sophos respectfully requests that the Court grant Sophos's administrative motion to file under seal.

Dated: September 7, 2015 DLA PIPER LLP (US)

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Plaintiff SOPHOS LTD.

By: /s/ Sean C. Cunningham SEAN C. CUNNINGHAM

DAVID R. KNUDSON

TODD S. PATTERSON

KATHRYN RILEY GRASSO

Attorneys for Defendant and Counterclaim Plaintiff SOPHOS INC. and Counterclaim

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